

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Independent claim 22 has been amended to recite subject matter identified as being allowable (see page 11 of the Office Action dated November 13, 2009 and page 2 of the Office Action dated May 15, 2010). Claims 9, 12, 18, 24, 26, 28 and 29 have been amended to remain consistent with amended independent claim 22.

In addition, claims 9, 12, 18, 22, 24, 26, 28 and 29 have been amended have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

### **II. Allowable Subject Matter**

The Applicants note that page 11 of the Office Action dated November 13, 2009 states that claim 22 would be allowable if amended to positively claim the “pulse sensor” that measures a pulse, such that a pulse difference equal to or greater than 7 beats per minute between the pulses measured on the right and left sides of the subject is determined as abnormal by the measurement calculation unit.

Further, the Applicants note that page 2 of the Office Action dated May 13, 2010 appears to indicate that claim 22 would be allowable if amended to clarify that the measurement calculating unit determines an abnormality (related to a pulse difference) **only if** the pulse difference between the left and the right pulse rate is equal to or greater than 7 beats per minute.

The Applicants would like to thank the Examiner for this indication of allowable subject matter.

As mentioned above, claim 22 has been amended to recite the allowable subject matter. Specifically, claim 22 has been amended to recite that the measurement calculating unit detects an abnormality related to a pulse difference only when the comparison performed by the measurement calculating unit identifies the pulse difference, between the first pulse and the second pulse, to be equal to or greater than 7 beats per minute.

Accordingly, in view of the Examiner's indication of allowable subject matter as discussed above, it is submitted that amended independent claim 22 and claims 9, 12, 18, 24, 26, 28 and 29 that depend therefrom are allowable.

### **III. 35 U.S.C. § 103(a) Rejections**

Claims 9, 12, 18, 22, 24, 26, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Russell (U.S. 4,669,458), Sharma (U.S. 2003/0224685), Nakamura et al. (U.S. 5,724,980), Inagaki et al. (U.S. 6,344,025), Besson et al. (U.S. 5,862,803), Journal of Nursing Science, and Journal of Brain and Nervous Diseases.

In view of the above-discussed allowability of claim 22, which is the only remaining independent claim, these 35 U.S.C. § 103(a) rejections are not applicable to claim 22 and the

claims that depend therefrom. As a result, withdrawal of these rejections is respectfully requested.

#### **IV. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Noritada KATAYAMA

/Andrew L. Dunlap/

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Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicant

ALD/led  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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